IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL REVISION PETITION NO. 24/2003

CHIRANJI LAL Vs. STATE OF RAJASTHAN & ORS.

DATE: 08.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Himmat Singh for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Amir Aziz for the accused-respondents.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the judgment dated 18.10.2001 passed by the learned Sessions Judge, Sawai Madhopur in Sessions Case No. 44/2001, whereby he acquitted the accused-respondents from the offence under Sections 307 and 307/34 IPC and convicted the accused-respondent Vinod Kumar for the offence under Sections 452 and 325 IPC and accused-respondent Kedar Prasad for the offence under section 452 and 325/34 IPC, but released them by giving the benefit of probation under Section 4 of the Probation of Offenders Act.

Having considered the rival submissions of the respective parties and upon careful perusal of the impugned judgment dated 18.10.2001, I find no illegality or error apparent on the face of the record

in the impugned judgment so far as giving the benefit of probation under Section 4 of the Probation of Offenders Act to the accused-respondents is concerned as the discretion of giving the benefit of probation has properly been exercised by the Court below and the same requires no interference by this Court, but as regards compensation, the Court below has not considered this aspect and committed an error.

In the interest of justice, I deem it proper to modify the impugned judgment dated 18.10.2001 passed by the Sessions Judge, Sawai Madhopur to the extent that the complainant-petitioner is entitled to get the compensation of Rs. 20,000/- from the accused. Therefore, both the accused-respondents are directed to make the payment of Rs. 10,000/- each as compensation to the petitioner within a period of three months, failing which the accused-respondents will have to undergo simple imprisonment for one month in default of payment of compensation.

Accordingly, the impugned judgment dated 18.10.2001 passed by the learned Sessions Judge, Sawai Madhopur is modified as indicated herein above and the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE), J.

/KKC/